

ORAL ARGUMENT REQUESTED

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re: Methyl Tertiary Butyl Ether (“MTBE”) Products  
Liability Litigation

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**MDL No. 1358  
Master File C.A. No.  
1:00-1898 (SAS)**

**This document relates to the following case:**

*Commonwealth of Pennsylvania v.  
Exxon Mobil Corp. et al.*  
Case No. 1:14-cv-06228

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PLEASE TAKE NOTICE that under Federal Rule of Civil Procedure 12(b)(2), LUKOIL Americas Corporation (“LAC”) hereby moves to dismiss the entire Amended Complaint filed against it in the above-captioned action, and for such other and further relief as the Court determines to be just and proper. This motion is made upon the accompanying Declaration of Vincent De Laurentis sworn to on December 23, 2014, and the exhibits thereto; LAC’s Memorandum in Support; and any reply brief and/or oral argument that may be submitted or made by LAC in support of this motion.

PLEASE ALSO TAKE NOTICE that LAC hereby joins certain other defendants’ motions to dismiss. LAC’s understanding is that on December 23, 2014, groups of defendants named in this action will file Rule 12(b)(6) motions to dismiss noting that LAC will join in their arguments by separate motion.<sup>1</sup> Those groups of defendants include both “MTBE Defendants” and “Insurance Defendants.” LAC joins those motions to dismiss, based upon any briefing and oral argument supporting those motions. LAC’s joinder of those motions in no way depends on the

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<sup>1</sup> Collectively, the motions seek an order dismissing (1) Counts V (trespass) and VI (Unfair Trade Practices & Consumer Protection Law), *see* Dkt. 81, 82; (2) Count III (public nuisance) to the extent premised on the manufacturer and/or distribution of MTBE or MTBE gasoline, *see* Dkt. 81, 82; and (3) Plaintiff’s Insurance Claims.

factual information contained in the declaration filed with this notice, and LAC neither joins nor opposes any defendant's request for severance.

Respectfully submitted,

/s/ James P. Tuite

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*Attorneys for LUKOIL Americas Corporation*

Date: December 23, 2014

**CERTIFICATE OF PRE-MOTION LETTER EXCHANGE**

I hereby certify that per this Court's Individual Rules and Procedures, Part IV.B, LUKOIL Americas Corp. described the basis for its 12(b)(2) motion in a letter to Plaintiff dated November 13, 2014. Plaintiff first responded on November 18, 2014. Counsel were unable to eliminate the need for filing this Motion to Dismiss. I also certify that, upon information and belief, the defendants filing the motions referenced above exchanged the necessary letters, and will certify as much to this Court.

/s/ James P. Tuite

Date: December 23, 2014

**CERTIFICATE OF SERVICE**

I hereby certify that on December 23, 2014, a true and correct copy of this Notice of Motion to Dismiss was electronically served on counsel of record via LexisNexis File & Serve, along with the Declaration of Vincent De Laurentis sworn to on December 23, 2014; the exhibits thereto; and LAC's Memorandum in Support. A hard copy of those papers will be sent to opposing counsel by overnight delivery.

/s/ James P. Tuite

Date: December 23, 2014